


7, 2023. (Doc. 59). Plaintiff was given an opportunity to respond to Defendants' February 7, 2023 letter and he has failed to do so.

It has been nearly four months since Plaintiff's deposition at which he expressed his desire to discontinue this action and two months since the Court first directed Plaintiff to respond. Moreover, Plaintiff has failed to respond to two Court Orders warning him that his case would be dismissed. Accordingly, this case is dismissed with prejudice pursuant to Fed. R. Civ. P. 41(b).¹

The Clerk of Court is instructed to: (i) mail a copy of this Order to Plaintiff; (ii) terminate the motion sequences pending at Docs. 56 and 59; and (iii) close this case.

SO ORDERED:

Dated: White Plains, New York
February 15, 2023



Philip M. Halpern
United States District Judge

¹ Rule 41(b) provides that "any dismissal under this rule . . . operates as an adjudication on the merits." Fed. R. Civ. P. 41(b).